

## REMARKS

Claims 1-12 are pending in this application. Claims 1-4, and 7-10 are amended herein. New claims 11 and 12 are added herein. Support for the amendments to the claims, and the new claims, may be found in the claims as originally filed. No new matter has been added. Reconsideration is requested based on the foregoing amendment and the following remarks.

### **Claim Rejections - 35 U.S.C. § 102:**

Claims 1, 4, and 7-10 were rejected under 35 U.S.C. § 102(e) as anticipated by Scott et al., US 6,484,260 (hereinafter "Scott"). The rejection is traversed to the extent it would apply to the claims as amended.

Claim 1 recites,

"obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility."

Scott neither teaches, discloses, nor suggests obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility, as recited in claim 1. As described in Scott, rather, at column 6, lines 58-61,

Memory 20 also stores a fingerprint template that is generated by processing unit 16 from a fingerprint image signal provided by optics 12 unit when an individual first enrolls into PID 6, as will be described in detail below.

Since memory 20 of Scott stores a fingerprint template that is generated by processing unit 16 from a fingerprint image signal provided by optics unit 12 when an individual first *enrolls* into PID 6, Scott is not "obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility," as recited in claim 1. Scott, rather, is enrolling, i.e. storing a fingerprint template for all the individuals, whether they will ever use PID 6 or not.

Furthermore, as described in Scott at column 7, lines 54-57,

An owner of PID 6 must first "enroll" into the unit. Enrollment is the process of scanning a finger to create an image which is stored as a fingerprint template in memory 20.

Since an owner of PID 6 must first "enroll" into the unit, Scott is not "obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility," as recited in claim 1.

Scott, rather, is enrolling, i.e. storing a fingerprint template for all the individuals, whether they will ever use PID 6 or not. Thus, Scott has no need to determine whether the recording medium is being presented for the first time, since he knows the owner will have been enrolled already.

Claim 1 recites further,

"obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility."

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility, as recited in claim 1. As described in Scott, rather, at column 10, lines 27 and 28,

The user's fingerprint is always verified with the fingerprint template to allow the use of the encryption key.

Since the user's fingerprint is *always* verified with the fingerprint template to allow the use of the encryption key, Scott is not "obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility," as recited in claim 1. In Scott, rather, a user's fingerprint is always verified, whether they will be using the PID 6 the first time or not. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claim 4:

Claim 4 recites,

"obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility."

Scott neither teaches, discloses, nor suggests obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility, as discussed above with respect to the rejection of claim 1.

Claim 4 recites further,

"obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility."

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 4 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 4 is earnestly solicited.

Claim 7:

Claim 7 recites,

"in a case where it is determined that the recording medium is presented for a first time in the facility, obtains first biological information from an owner of the recording medium."

Scott neither teaches, discloses, nor suggests obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility, as discussed above with respect to the rejection of claim 1.

Claim 7 recites further,

"checks the use status of the recording medium in the facility from the read information, and in case where it is determined that the recording medium is presented at a second, later time in the facility obtains second biological information from the owner of the recording medium."

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 7 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 7 is earnestly solicited.

Claim 8:

Claim 8 recites,

"in a case where it is determined that the recording medium is presented for a first time in the facility, based on the information on the use status extracted from the database, using the identifier read from the recording medium as key information, obtaining first biological

information from an owner of the recording medium and storing the first biological information in the database so as to associate the first biological information with the identifier.”

Scott neither teaches, discloses, nor suggests obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility, as discussed above with respect to the rejection of claim 1.

Claim 8 recites further,

“in a case where it is determined that the recording medium is being presented a second, later time in the facility, based on information on the use status extracted from the database, using the identifier read from the recording medium as key information, obtaining second biological information from the owner of the recording medium.”

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 8 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 8 is earnestly solicited.

Claim 9:

Claim 9 recites,

“to check the use status of the recording medium in the facility from the read information, and in a case where it is determined that the recording medium is presented for a first time in the facility, to obtain first biological information from an owner of the recording medium and to store the first biological information in the recording medium.”

Scott neither teaches, discloses, nor suggests obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility, as discussed above with respect to the rejection of claim 1.

Claim 9 recites further,

“to check the status of the recording medium in the facility from the read information, and in a case where it is determined that the recording medium is presented for a second, later time in the facility, to obtain second biological information from the owner of the recording medium.”

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 9 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claim 10:

Claim 10 recites,

"in a case where it is determined that the recording medium is presented for a first time in the facility, based on the information on the use status extracted from the database, using the identifier read from the recording medium as key information, to obtain first biological information from the owner of the recording medium and to register the first biological information in the database so as to associate the first biological information with the identifier."

Scott neither teaches, discloses, nor suggests obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility, as discussed above with respect to the rejection of claim 1.

Claim 10 recites further,

"in a case where it is determined that the recording medium is presented at a second, later time in the facility, based on information on the use status extracted from the database, using the identifier read from the recording medium as key information, to obtain second biological information from the owner of the recording medium."

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 10 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 10 is earnestly solicited.

**Claim Rejections - 35 U.S.C. § 103:**

Claims 2, 3, 5 and 6 were rejected under 35 U.S.C. § 103 as being unpatentable over Scott in view of Gressel, US 6,311,272 (hereinafter "Gressel"). The rejection is traversed.

Reconsideration is earnestly solicited. Claims 2 and 3 depend from claim 1 and add additional distinguishing elements.

Scott neither teaches, discloses, nor suggests “obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility,” or “obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility,” as discussed above with respect to the rejection of claim 1. Gressel does not either, and thus cannot make up for these deficiencies of Scott with respect to the rejection of claims 2 and 3.

As Gressel, rather, describes at column 3, lines 62-65,

The system is now ready to enroll users, including maintaining a record of enrolled users allowing enrolled users to be individually recognized and therefore to be distinguished from each other and from non-enrolled individuals.

Since, in Gressel, the users are enrolled before using the system, Gressel is not “obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility,” as recited in claim 1. Thus, even if Scott and Grissel were combined, as proposed in the Office Action, the claimed invention would not result.

Claims 2 and 3 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2 and 3 is earnestly solicited.

Claims 5 and 6:

Claims 5 and 6 depend from claim 4 and add additional distinguishing elements.

Scott neither teaches, discloses, nor suggests “obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility,” or “obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility,” as discussed above with respect to the rejection of claim 4.

Gressel does not either, as discussed above with respect to the rejection of claims 2 and 3, and thus cannot make up for these deficiencies of Scott with respect to claims 5 and 6. Thus, even if Scott and Grissel were combined, as proposed in the Office Action, the claimed invention

would not result. Claims 5 and 6 are thus also submitted to be allowable. Withdrawal of the rejection of claims 5 and 6 is earnestly solicited.

**New claims 11 and 12:**

New claim 11 recites,

"obtaining first biological information from a first owner of the recording medium and registering the first biological information in the recording medium if the recording medium is being presented for the first time."

None of the cited references teach, disclose, or suggest obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility, as discussed above with respect to the rejection of claim 1. Claim 11 is thus believed to be allowable.

New claim 12 recites,

"obtaining second biological information from a second owner of the recording medium and determining whether the second owner is the same as the first owner by comparing the second biological information to the first biological information."

None of the cited references teach, disclose, or suggest obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 12 is thus believed to be allowable as well.

**Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-12 are allowable over the cited references. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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